

4752/06
P.R. No.
Presented by Shri. B.L. Sehwa
dated..... 28/8/06

(5)

PAGE No. 2

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION. No. (S) 4721 /2006 (S.B.)

PETITIONER

PANKHRASIUS TIRKEY

S/o Late Shri Siril Tirkey
Aged About 51 Yrs.
Occupation, Village Assistant
R/O Village and Post Mahadeo
dhand Tahsil, Bagicha District
Jashpur (C.G.)

VERSES

RESPONDENTS

1. **State Of Chhattisgarh.**
Through, Secretary Panchayat
and Social Welfare. D.K. S.
Bhawan Mantralaya, Raipur.
2. **Collector, Jashpur**
District Jashpur (C.G.)
3. **Deputy Director,**
Panchayat and Social Welfare
District Jashpur (C.G.)
4. **Sub Divisional Officer (R)**
Tahsil Bagicha, District
Jashpur (C.G.)
5. **Chief Executive Officer**
Janpad Panchayat Bagicha
Tahsil, Bagicha, Distt.
Jashpur. (C.G.)

RECEIVED-COPY
28/08/06
CLERK to A. G. BILASPUR

Prakash Tiwari
ADVOCATE

WRIT UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF A
SUITABLE WRIT, ORDERS OR DIRECTION

मामला क्रमांक WP 421/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>1.9.2006</u> Mr. Prakash Tiwari, Advocate for the petitioner. Miss. Deepali Pandey, P.L. for the State on advance copy. Heard. Heard on admission. By this writ petition, the petitioner has challenged the validity of the order-dated 23.3.2006 (Annexure P-1) whereby the penalty of withholding of one grade increment without cumulative effect has been imposed on the petitioner. The main grievance of the petitioner is that the penalty has been imposed without holding regular enquiry, therefore, the impugned order is bad in law. Rule 16 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (for short 'Rules, 1966') provides procedure for imposing minor penalty. Rule 16 (1) envisages that "(a) after informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal; (b) taking the representation of the Government servant under clause (a) and the record of enquiry, if any, held under clause (b) into consideration; (c) recording a finding on each imputation of misconduct or misbehavior." In the present case, the order impugned shows that the petitioner was given in writing of the proposal to take action against him and also recorded finding on each imputation of misconduct or misbehavior. Annexure	

P.T.O.

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	P-3 is the notice as well as communication of imputation of misconduct or misbehavior of the petitioner and in response to that the petitioner submitted his reply Annexure P-4, in which he has admitted that after closing the office, he left the office at 12.30 p.m. Perusal of the impugned order further reveals that even the petitioner was given opportunity of hearing and after considering the reply of the petitioner, the order impugned has been passed whereby the minor penalty of withholding of one grade increment without cumulative effect has been imposed. Therefore, there is sufficient compliance of Rule 16 of the Rules, 1966 and I do not find any illegality or irregularity in the order impugned, the petition is liable to be dismissed and it is hereby dismissed. Consequently, M.(W.)P. No.3646/06 also stands dismissed	Sd/- L.C.Bhadoo Judge

P.T.O.

6.9.06